

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JODI BRUNKER, et al., on behalf of herself and all similarly situated individuals,)	Case No. 3:16-cv-03399-HSG
)	
Plaintiffs,)	ORDER FOR CONDITIONAL
)	CERTIFICATION OF FLSA
v.)	COLLECTIVE ACTION AND
)	NOTIFICATION TO AFFECTED
SAN FRANCISCO BAY AREA RAPID)	INDIVIDUALS
TRANSIT DISTRICT,)	
)	
Defendant.)	
)	

Having considered the parties' Stipulation for Conditional Certification of FLSA Collective Action and Notification to Affected Individuals and the proposed Notice attached thereto, and finding that good cause exists to issue and order pursuant to said stipulation,

IT IS HEREBY ORDERED THAT:

1. This action satisfies the requirements for conditional certification as a "Collective Action" under the Federal Labor Standards Act (FLSA). The questions of law and fact common to the members of the class predominate over questions relevant only to individual members of

1 the collective class and class adjudication is superior to any other method of adjudication for the
2 fair and efficient adjudication of this matter.

3 2. For purposes of conditional certification, the FLSA Collective Action Class shall
4 consist of all current and former FLSA non-exempt employees of the Defendant who worked
5 overtime and received cash payments in lieu of health benefits at any time since June 17, 2013.

6 3. This action is conditionally certified as a collective action under 29 USC § 216(b).
7 Plaintiffs' counsel, Mastagni Holstedt, APC, shall serve as counsel for the collective class.

8 4. Notification of this action in the manner set forth in subsections (a) through (c)
9 below is appropriate:

10 a. Notification shall be made by sending a "Notice of Action" in the form of
11 the notice attached as Attachment B to the parties stipulation to all who worked overtime and
12 received cash payments in lieu of health benefits at any time since June 17, 2013;

13 b. Defendant may administer the notification process, and will send notices
14 by District email or if the employee does not have District email by mail with proof of service to
15 the employee's last known address to all putative class members within sixty (60) days from the
16 date of this order. Defendant shall copy Plaintiffs' counsel on any notice emails and provide
17 Plaintiffs' counsel with copies the proof of service.

18 c. Defendant shall provide Plaintiffs' counsel a list of all putative class
19 members' names, District email addresses, and phone number and if no longer employed by the
20 District the employee's last known address within sixty (60) days.

21 5. Any deadlines currently set in this case are hereby vacated, and all proceedings
22 are stayed except the filing of consents to join and the issuance of this order granting conditional
23 certification and authorizing notice pursuant to *Hoffmann-La Roche v. Sperling*, 493 U.S. 165
24 (1989).

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1 6. The parties shall use informal discovery and early settlement negotiations in an
2 attempt to resolve this dispute promptly.

3 7. The parties are ordered to submit a joint status report to this Court detailing their
4 efforts taken to resolve this dispute and the current status of the case within ninety (90) days
5 from the date of this order.

6
7 IT IS SO ORDERED:

8 DATED: September 29, 2016


HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE